

# United Nations Nations Unies

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18 November 2008

Excellency,

Summons and Complaint in the United States District Court for the Eastern District of North Carolina – Michael Joseph v. Ban Ki-moon, United Nations Secretary-General, et al, Case No. 5:08-CV-523-BO

We write to inform you that, on 28 October 2008, the United Nations Secretariat in New York received the above-referenced Summons and Complaint in connection with the civil action instituted by Mr. Michael Joseph, against the Secretary-General of the United Nations, among others, in the United States District Court, Eastern District of North Carolina (Case No. 5:08-CV-523-BO). The Secretary-General of the United Nations has been directed to answer the Complaint, within 20 days after service of the Summons. In this regard, Mr. Joseph alleges that the Secretary-General of the United Nations, among others, has false claims.

With the present letter, we hereby return the original Summons and the Complaint and respectfully request the competent United States authorities to take appropriate action to ensure full respect for the privileges and immunities of the United Nations and its Secretary-General in accordance with the obligations of the United States both under international and United States law.

The United Nations, including its property, funds and assets, is immune from legal process under Article II of the Convention on the Privileges and Immunities of the United Nations ("General Convention"). The United States of America acceded to the General Convention on 29 April 1970. 21 U.S.T. at 1418; [1970] TIAS No. 6900. Furthermore, pursuant to Article V, Section 19 of the General Convention, the Secretary-General is accorded the privileges and immunities, exemptions and facilities accorded to diplomatic envoys. The United Nations and its officials enjoy the same privileges and immunities under the United States International Organizations Immunities Act ("IOIA"). Pub.L.No.291, 79<sup>th</sup> Cong., 1<sup>st</sup> Sess., 29 December 1945 (codified at 22 U.S.C. § 288 *et seq.*).

His Excellency  
Mr. Zalmay Khalilzad  
Permanent Representative of the United States  
to the United Nations  
New York



The privileges and immunities afforded to diplomatic envoys are specified by Articles 31 and 39 of the Vienna Convention on Diplomatic Relations ("Vienna Convention") 23 U.S.T. 3227, 500. U.N.T.S. 95. Under United States statutory law, suits against United Nations officials who are immune under these provisions must be dismissed. See Diplomatic Relations Act of 1978, 92 Stat. 808, 809 (1978) (codified at 22 U.S.C. § 254d) (dismissal mandated where immunity conferred by Vienna Convention "or under any other laws extending diplomatic privileges and immunities").

Under Article VIII, Section 29 of the General Convention, the United Nations has an obligation to provide for appropriate modes of settlement of disputes, inter alia, arising out of private law character to which the United Nations is a party. In the present case, it is not clear to the United Nations what private law claim is being asserted by Mr. Joseph.

In view of the above, we wish to advise that the United Nations expressly maintains its privileges and immunities in respect of the legal action in question. Therefore, we wish to respectfully request the competent authorities of the United States to take the appropriate steps with a view to ensuring that the privileges and immunities of the United Nations and of the Secretary-General are maintained in respect of this legal action.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read "P. Taksøe-Jensen".

Peter Taksøe-Jensen

Assistant Secretary-General for Legal Affairs

cc: Mr. Dennis P. Iavarone  
Clerk  
United States District Court  
Eastern District of North Carolina

Enclosure

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

Michael Joseph

Plaintiff

v.

Ban Ki-Moon

Defendant

Civil Action No. 5:08-cv-523-BO

Summons in a Civil Action

To: (Defendant's name and address)

Ban Ki-Moon  
United Nations Plaza, Manhattan Island  
New York city, New York  
[10017]

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are: mailing location are:

Michael Joseph  
c/o 6040-A Six Forks Road #325  
Raleigh, North Carolina. [27609]

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DENNIS P. IAVARONE, CLERK

Name of clerk of court

Date: October 17, 2008

Deputy clerk's signature

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_;  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

**Addendum to Case # 5:08-CV-523-BO**

**FILED**

**OCT 21 2008**

DENNIS P. IAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY \_\_\_\_\_ DEP CLK

Dear Clerk;

Please add these original certified copies to my case jacket. And note please that the spellings in Paleo-Hebrew of Yehovah and Yehoshua were improperly constructed throughout the Libel of Review.

The Name Yehovah was spelled in the counterclaim **אִתְּאָה** which is right to left – *Yod He Vaw Yod* – when it should be spelled throughout - **אִתְּאָה** - *Yod He Vaw He*.

Also, the name of Yehoshua spelled in the counterclaim **יְהוֹשֻׁעַ** - should be spelled **יְהוֹשֻׁעַ**.

Thank you,

10.21.2008

  
Michael Joseph

## ABOLITION OF HOME OWNERS' LOAN CORPORATION

For dissolution and abolishment of Home Owners' Loan Corporation, referred to in this section, by act June 30, 1933, ch. 170, § 21, 67 Stat. 126, see note set out under section 1463 of this title.

## § 395. Federal reserve banks as depositaries, custodians and fiscal agents for Commodity Credit Corporation

The Federal Reserve banks are authorized to act as depositaries, custodians, and fiscal agents for the Commodity Credit Corporation.

(July 16, 1943, ch. 241, § 3, 57 Stat. 566.)

## TRANSFER OF FUNCTIONS

Administration of program of Commodity Credit Corporation transferred to Secretary of Agriculture by Reorg. Plan No. 3 of 1946, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100. See Appendix to Title 5, Government Organization and Employees.

## EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations, Advisory Board of Commodity Credit Corporation, and Farm Credit Administration or any agency, officer or entity of, under, or subject to supervision of Administration were excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

## SUBCHAPTER XII—FEDERAL RESERVE NOTES

## § 411. Issuance to reserve banks; nature of obligation; redemption

Federal reserve notes, to be issued at the discretion of the Board of Governors of the Federal Reserve System for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinafter set forth and for no other purpose, are authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in lawful money on demand at the Treasury Department of the United States, in the city of Washington, District of Columbia, or at any Federal Reserve bank.

(Dec. 23, 1913, ch. 8, § 16 (par.), 38 Stat. 265; Jan. 30, 1934, ch. 6, § 2(b)(1), 48 Stat. 337; Aug. 23, 1935, ch. 614, title II, § 203(a), 49 Stat. 704.)

## REFERENCES IN TEXT

Phrase "hereinafter set forth" is from section 16 of the Federal Reserve Act, act Dec. 23, 1913. Reference probably means as set forth in sections 17 et seq. of the Federal Reserve Act. For classification of these sections to the Code, see Tables.

## COMPLICATION

Section is comprised of first par. of section 16 of act Dec. 23, 1913. Pars. 2 to 4, 5, and 6, 7, 8 to 11, 13 and 14 of section 16, and pars. 15 to 18 of section 16 as added June 21, 1917, ch. 32, § 8, 40 Stat. 238, are classified to sections 412 to 414, 415, 416, 418 to 421, 360, 248-1, and 467, respectively, of this title.

Par. 12 of section 16, formerly classified to section 422 of this title, was repealed by act June 26, 1934, ch. 758, § 1, 48 Stat. 1225.

## AMENDMENTS

1934—Act Jan. 30, 1934, struck out from last sentence provision permitting redemption in gold.

## CHANGE OF NAME

Section 203(a) of act Aug. 23, 1935, changed name of Federal Reserve Board to Board of Governors of the Federal Reserve System.

## CROSS REFERENCES

Gold coinage discontinued, see section 5112 of Title 31, Money and Finance.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 348, 420, 421, 467 of this title.

## § 412. Application for notes; collateral required

Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of sections 342 to 347, 347c, 347d, and 372 of this title, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of sections 348a and 353 to 359 of this title, or bankers' acceptances purchased under the provisions of said sections 348a and 353 to 359 of this title, or gold certificates, or Special Drawing Right certificates, or any obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States or any agency thereof, or assets that Federal Reserve banks may purchase or hold under sections 348a and 353 to 359 of this title. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Board of Governors of the Federal Reserve System of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Board of Governors of the Federal Reserve System may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it. Collateral shall not be required for Federal Reserve notes which are held in the vaults of Federal Reserve banks.

(Dec. 23, 1913, ch. 8, § 16 (par.), 38 Stat. 265; Sept. 7, 1916, ch. 461, 39 Stat. 754; June 21, 1917, ch. 32, § 7, 40 Stat. 238; Feb. 27, 1932, ch. 58, § 3, 47 Stat. 57; Feb. 3, 1933, ch. 34, 47 Stat. 794; Jan. 30, 1934, ch. 6, § 2(b)(2), 48 Stat. 338; Mar. 6, 1934, ch. 47, 48 Stat. 398; Aug. 23, 1935, ch. 614, title II, § 203(a), 49 Stat. 704; Mar. 1, 1937, ch. 20, 50 Stat. 23; June 30, 1939, ch. 256, 53 Stat. 991; June 30, 1941, ch. 264, 55 Stat. 395; May 25, 1943, ch. 102, 57 Stat. 85; June 12, 1945,

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El Paso County, Colorado



STATE OF MINNESOTA

IN JUSTICE COURT

COUNTY OF SCOTT

TOWNSHIP OF CREDIT RIVER  
MARTIN V. MAHONEY, JUSTICE

First National Bank of Montgomery,

Plaintiff,

vs.

JUDGMENT AND DECREE

Jerome Daly,

Defendant.

The above entitled action came on before the Court and a Jury of 12 on December 7, 1968 at 10:00 A.M. Plaintiff appeared by its President Lawrence V. Morgan and was represented by its Counsel Theodore R. Mellby. Defendant appeared on his own behalf.

A Jury of Talesmen were called, impaneled and sworn to try the issues in this Case. Lawrence V. Morgan was the only witness called for Plaintiff and Defendant testified as the only witness in his own behalf.

Plaintiff brought this as a Common Law action for the recovery of the possession of Lot 19, Fairview Beach, Scott County, Minn. Plaintiff claimed title to the Real Property in question by foreclosure of a Note and Mortgage Deed dated May 8, 1964 which Plaintiff claimed was in default at the time foreclosure proceedings were started.

Defendant appeared and answered that the Plaintiff created the money and credit upon its own books by bookkeeping entry as the consideration for the Note and Mortgage of May 8, 1964 and alleged failure of consideration for the Mortgage Deed and alleged that the Sheriff's sale passed no title to Plaintiff.

The issues tried to the Jury were whether there was a lawful consideration and whether Defendant had waived his rights to complain about the consideration having paid on the Note for almost 3 years.

Mr. Morgan admitted that all of the money or credit which was used as a consideration was created upon their books, that this was standard banking practice exercised by their bank in combination with the Federal Reserve Bank of Minneapolis, another private Bank, further that he knew of no United States Statute or Law that gave the Plaintiff the authority to do this. Plaintiff further claimed that Defendant by using the Ledger Book created credit and by paying



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El Paso County, State of Colorado  
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Copy of record in my Office.  
Book 203290555 Page 1  
Date 12-18-68  
By Robert C. Balink  
County Clerk & Recorder  
El Paso County, Colorado  
Deputy

STATE OF MINNESOTA COUNTY OF SCOTT



12-2-68 Audrey K. Brown

on the Note and Mortgage waived any right to complain about the Consideration and that Defendant was estopped from doing so.

At 12:15 On December 7, 1968 the Jury returned a unanimous verdict for the Defendant.

Now therefore, by virtue of the authority vested in me pursuant to the Declaration of Independence, the Northwest Ordinance of 1787, the Constitution of the United States and the Constitution and laws of the State of Minnesota not inconsistent therewith;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff is not entitled to recover the possession of Lot 19, Fairview Beach, Scott County, Minnesota according to the Plat thereof on file in the Register of Deeds office.
2. That because of failure of a lawful consideration the Note and Mortgage dated May 8, 1964 are null and void.
3. That the Sheriff's sale of the above described premises held on June 26, 1967 is null and void, of no effect.
4. That Plaintiff has no right, title or interest in said premises or lien thereon, as is above described.
5. That any provision in the Minnesota Constitution and any Minnesota Statute limiting the Jurisdiction of this Court is repugnant to the Constitution of the United States and to the Bill of Rights of the Minnesota Constitution and is null and void and that this Court has Jurisdiction to render complete Justice in this Cause.
6. That Defendant is awarded costs in the sum of \$75.00 and execution is hereby issued therefor.
7. A 10 day stay is granted.
8. The following memorandum and any supplemental memorandum made and filed by this Court in support of this Judgment is hereby made a part hereof by reference.

Dated December 9, 1968

BY THE COURT

MARTIN V. MAHONEY  
JUSTICE OF THE PEACE  
CREDIT RIVER TOWNSHIP  
SCOTT COUNTY, MINNESOTA



MEMORANDUM

The issues in this case were simple. There was no material dispute on the facts for the Jury to resolve.

Plaintiff admitted that it, in combination with the Federal Reserve Bank of Minneapolis, which are for all practical purposes, because of there interlocking activity and practices, and both being Banking Institutions Incorporated under the Laws of the United States, are in the Law to be treated as one and the same Bank, did create the entire \$14,000.00 in money or credit upon its own books by bookkeeping entry. That this was the Consideration used to support the Note dated May 8, 1964 and the Mortgage of the same date. The money and credit first came into existence when they created it. Mr. Morgan admitted that no United States Law or Statute existed which gave him the right to do this. A lawful consideration must exist and be tendered to support the Note. See Anheuser-Busch Brewing Co. v. Emma Mason, 44 Minn. 318, 46 N.W. 558. The Jury found there was no lawful consideration and I agree. Only God can create something of value out of nothing.

Even if Defendant could be charged with waiver or estoppel as a matter of Law this is no defense to the Plaintiff. The Law leaves wrongdoers where it finds them. See sections 50, 51 and 52 of Am Jur 2d "Actions" on page 584 - "no action will lie to recover on a claim based upon, or in any manner depending upon, a fraudulent, illegal, or immoral transaction or contract to which Plaintiff was a party.

Plaintiff's act of creating credit is not authorized by the Constitution and Laws of the United States, is unconstitutional and void, and is not a lawful consideration in the eyes of the Law to support any thing or upon which any lawful rights can be built.

Nothing in the Constitution of the United States limits the Jurisdiction of this Court, which is one of original Jurisdiction with right of trial by Jury guaranteed. This is a Common Law Action. Minnesota cannot limit or impair the power of this Court to render Complete Justice between the parties. Any provisions in the Constitution and laws of Minnesota which attempt to do so ~~are~~ repugnant to the

Constitution of the United States and ~~also~~ void. No question as to the Jurisdiction of this Court was raised by either party at the trial. Both parties were given complete liberty to submit any and all facts and law to the Jury, at least in so far as they saw fit.

No complaint was made by Plaintiff that Plaintiff did not receive a fair trial. From the admissions made by Mr. Morgan the path of duty was made direct and clear for the Jury. Their Verdict could not reasonably have been otherwise. Justice was rendered completely and without denial, promptly and without delay, freely and without purchase, conformable to the laws in this Court on December 7, 1968.

December 9, 1968

THE COURT  
MARTIN J. NAHONEY  
JUSTICE OF THE PEACE  
CREDIT RIVER TOWNSHIP  
SCOTT COUNTY, MINNESOTA

Note: It has never been doubted that a Note given on a Consideration which is prohibited by law is void. It has been determined, independent of Acts of Congress, that sailing under the license of an enemy is illegal. The emission of Bills of Credit upon the books of these private Corporations, for the purposes of private gain is not warranted by the Constitution of the United States and is unlawful. See Craig v. Mo. 4 Peters Reports 912. This Court can tread only that path which is marked out by duty. M.V.M.

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DEPARTMENT OF PERSONNEL

DIVISION OF

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*I Hereby Certify that the annexed copy  
(or each of the annexed copies) is a true  
copy of a record in the legal custody of  
the State Archivist of Colorado, and is  
filed among the records of*

COLORADO TERRITORY LEGISLATIVE ASSEMBLY, TERRITORY OF COLORADO  
deposited therein

GENERAL LAWS, JOINT RESOLUTIONS, MEMORIALS, AND PRIVATE ACTS, PASSED AT THE  
FIRST SESSION OF THE LEGISLATIVE ASSEMBLY, DENVER, COLORADO TERRITORY,  
SEPTEMBER 9, 1861.

TITLE PAGE, PAGES 20, 21, 2 [SIC], AND 35.  
TOTAL 5 PAGES.



*June Kitchum*  
STATE ARCHIVIST OF COLORADO

OCTOBER 4, 1995  
DATE



Office of County Clerk and Recorder  
El Paso County, State of Colorado  
Certified to be a full, true and correct  
Copy of record in my Office.  
095110459. Book 6744, Page 964.  
Date Robert C. Balink  
County Clerk & Recorder  
El Paso County, Colorado  
By *[Signature]* Deputy

GENERAL LAWS, JOINT RESOLUTIONS, MEMORIALS

BOOK PAGE  
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AND PRIVATE ACTS,

PASSED AT THE FIRST SESSION

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO,

DECEMBER AND HELD AT

DENVER, COLORADO TER. SEPT. 14th, 1861.

TOGETHER WITH

THE DECLARATION OF INDEPENDENCE,

THE CONSTITUTION OF THE UNITED STATES,

AND THE

ORGANIC ACT OF THE TERRITORY.

PUBLISHED BY AUTHORITY.

DENVER:

THEO. GIBSON, COLORADO REPUBLICAN AND HERALD OFFICE.  
1861.

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COURT  
DISTRICT

# LAW LIBRARY

## DISTRICT COURT

### AMENDMENTS TO THE CONSTITUTION.

#### SECOND JUDICIAL DISTRICT

#### ARTICLE I.

The free exercise of religion, freedom of speech, of the press, of the right to peacefully assemble and to petition the government for a redress of grievances.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

#### ARTICLE II.

Right to bear arms

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

#### ARTICLE III.

Of quartering soldiers in time of peace.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

#### ARTICLE IV.

Reasonable search or seizure except on warrant.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### ARTICLE V.

Unlawful imprisonment.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

#### ARTICLE VI.

Right of accused and indictment.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial

#### AMENDMENTS TO

jury of the State and district which have been committed, which d previously ascertained by law, s the nature and cause of the r fronted with the witnesses agai paleory process for obtaining v and to have the assistance of c

#### ARTICLE V.

In suits at common law, where the value in controversy, shall exceed twenty dollars, jury shall be preserved; and no case shall be otherwise re-examined in any court of the United States, than according to the course of common law.

#### ARTICLE V.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

#### ARTICLE

The powers not delegated to the constitution, nor prohibited to the States, are reserved to the States respectively.

#### ARTICLE

The judicial power of the United States shall extend to all cases of law or equity arising under the constitution, laws of the United States, and treaties made, or which shall be made, under the authority of the United States; to all cases affecting ambassadors, consuls and vice consuls of foreign nations; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to disputes between two or more States, between a State and citizens of another State, or between citizens of different States; to all cases of impeachment; except in cases of impeachment, the trial shall be by a majority of two thirds of the members present.

#### ARTICLE

1. The electors in each State shall have the qualifications requisite for electors in that State; and votes by ballot shall be taken in each State, one of whom, at least, shall be a citizen of that State as electors; they shall make distinct ballots the person voted for as President, and of all persons voted for as President, and of the number of votes they shall sign and certify, s

AMENDMENTS TO THE CONSTITUTION.

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jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy, shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. Trial by jury preserved.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Bail and fines.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. Construction of powers delegated.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. Reserved.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. Restriction of judicial power.

ARTICLE XII.

1. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State as themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to Mode of electing President and Vice President.

AMENDMENTS TO THE CONSTITUTION.

the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

of the Vice President.

2. The person having the greatest number of votes as Vice President, shall be Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers in the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ARTICLE XIII

In what cases person shall be incapable.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution was proposed at the second session of the third Congress; the 12th article, at the first session of the eighth Congress; and the 13th article, at the second session of the eleventh Congress.]

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lawful for the clerk until the following day at two o'clock in the afternoon for said clerk of the ensuing week, and recognized me; and in case of any actions, motions, continued over until the next day, all jurors, witnesses under the same obligation such adjourned day first appointed, and be in force from

**Liquors to Soldiers.**  
**Use of Representatives.**

hall, sell, exchange, or use for any purpose other than the sale of liquors or wine to the natives serving within such supplies as may be furnished by the United States army or navy. If, in any department, such person is convicted by a district court of the Territory of this crime, he shall be imprisoned for a period not exceeding one year, and his property shall be forfeit and pay to the United States, and he shall be liable to a fine of not more than \$500, and to imprisonment for a period not exceeding one year, and to pay for the use of such property a sum not exceeding the value of such property.

een mustered into  
off the uniform and  
redesignated from a  
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any other person, if  
iff, or any police of-  
our complaint the in-  
of such person, and  
nding officer of the  
ply for his release.  
our complaint has

## GENERAL LAWS

25

been made for the violation of the first section of this act, can establish by good and competent witnesses that spirituous liquors or wine were obtained from him deceitfully, by a soldier who did not wear, at the time of obtaining such spirituous liquors or wine, the uniform or other badge used to distinguish him from a civilian, and that he did not know such person to be a soldier, such person so complained against shall not be liable for the penalties enumerated in this act.

Approved, September 28th, 1861.

Approved, September 28th, 1861.

**AN. ACT**

### Adopting the Common Law of England.

Enacted by the Council and House of Representatives  
Colorado Territory:

SECTION 1. That the Common Law of England, so far as the same is applicable and of a general nature, and all acts and statutes of the British Parliament, made in aid of or to supply the defects of the Common Law, prior to the fourth year of James the First, (excepting the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and ninth chapter of thirty-seventh Henry Eighth,) and which are of a general nature, and not local to that Kingdom, shall be the rule of decision, and shall be considered as of full force until repealed by legislative authority.

**Sec. 2.** This act shall be in force from and after its passage.

Approved, October 11th, 1861

**AN ACT**

## To organize the Militia

Be it enacted by the Council and House of Representatives  
of Colorado Territory:

**SECTION 1.** Every able bodied male citizen of Colorado between the ages of eighteen and forty-five years, except those who are by this act exempt therefrom, shall be subject and liable to perform military duty as a soldier, to uphold the constitution and laws of the United States and the Organic Act and laws of this Territory, according to the terms and provisions of this act. And every citizen above forty-five years of age



**FILED**

OCT 15 2008

2008  
DENNIS P. IAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY \_\_\_\_\_ DEP CLK

## Libel of Review

- common law counterclaim in admiralty -
- notice lis pendens and -
- verified statement of right -

} Re: false claim in *assumpsit* to rights in  
 } the original estate-Article III; Constitution

[illegible]

"...the United States, ... within their respective districts, as well as upon the high seas; (a) saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land,..." *The First Judiciary Act*; September 24, 1789; Chapter 20, page 77. *The Constitution of the United States of America*. Revised and Annotated - Analysis

יְהוֹשֻׁעַ הַנַּצְרִית מֹלֵךְ הַחַיִּים – *Yehoshua H'Natzrith V'Molech H'Hadiim – Jesus Christ*  
*King of the Jews. Hebrew acronym YHWH the Name of God.*

and Interpretation - 1982; Article III, §2, Cl. 1 *Diversity of Citizenship*, U.S. Government Printing Office document 99-16, p. 741.

This fact of protocol - filing a claim in district court according to international law - is beyond dispute and extends into antiquity: "Meanwhile those who seized wreck ashore without a grant from the Crown did so at their peril." *Select Pleas in the Court of Admiralty*, Volume II, A.D. 1547-1602; Introduction - Prohibitions, *Note as to the early Law of Wreck*, Selden Society, p. xl, 1897. Even the IRS recognizes the protocol:

**"Place for filing notice; form.** Place for filing. The notice referred to in subsection (a) shall be filed -- with the clerk of the district court. In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated..." Title 26 U.S.C. §6323.

Henry Merritt PAULSON, acting as "City METRO officer - Secretary of the Treasury and Governor for the United Nations International Monetary Fund" *city* of Washington, *District* of Columbia is agent of a foreign principal, a "foreign state" defined at Title 28 of the United States Codes §1603, and Title 22 U.S.C. §611 the **Division of enforcement** for the **Department of revenue** (for example C.R.S. §24-1-117 [Colorado]) under principal State Governor in convention with METRO organization a.k.a. *Public Administrative Services Headquarters* (PASHQ - signed for example by Edwin C. Johnson by John T. Bartlett; *The Public Papers and Addresses of Franklin D. Roosevelt, The Year of Crisis 1933* Random House p. 21.) The *Department of Revenue* of course being the execution of bankruptcy proceedings against the citizens of the United States since 1933 currently formed "International Monetary Fund" and "World Bank" etc. - the State, City METRO municipal and police powers under United Nations charter law - protected by the same alleged positive law jural society (international treaty) exemptions home rule (of for example, Article VI and Article XX of the *State of Colorado* Constitution, "**Transfer of government.**")

The district court for the District of North Carolina has acquired exclusive original cognizance of this counterclaim for the United States because this is a federal question - a Constitutional matter involving a man on the land and a citizen of the spiritual commonwealth of Israel, complaining about theft and kidnap - Title 18 U.S.C. §§ 661 and 1201 respectively and irregular extradition from Michael Joseph's asylum state into the United States custody, treason - Constitution, Article III §3 and Title 18 U.S.C. §2381 by an agent of a foreign principal, creating diversity of citizenship - Title 28 U.S.C. §§1331 and 1333 respectively. The presentments (notification) are arbitrary and capricious clearly implying that if Michael Joseph fails to comply with the suggested terms there will be "law

enforcement" actions by way of inland seizure. Speaking historically, the districts, formed in 1790 for handling the financial obligations of the United States could not come into existence until after formal expression of remedy in the 'saving to suitors' clause (1789) quoted above and codified at Title 28 U.S.C. §1333. The law is paraphrased in the Internal Revenue Codes:

"Form. The form and content of the notice referred to in subsection (a) shall be prescribed by the Secretary. Such notice **shall be valid notwithstanding any other provision of law** regarding the form or content of a notice of lien." Title 26 U.S.C. §6323(F)(3). *emphasis added*

The only excuse for the discretionary authority granted administrative agencies is the judicial oversight demonstrated in this invocation of an Article III court.

**Law of the flag:** Man is created in the image of Yehovah - אֱלֹהִים, the one true G-d Anglicized *Jehovah* in the Holy Scriptures, and to reduce a man to chattel against the national debt is an affront to Yehovah - אֱלֹהִים and the Messianic advent of Yehoshua-יְהוֹשֻׁעַ. Be it hereby known that the competent common law is prior to 1938 and 1842 – the period between *Swift v. Tyson and Erie Railroad Co. v. Tompkins*. Protected by the saving to suitors clause of 1789 the state law applied to this diversity issue is modeled by the Holy Scriptures and found in the Fundamental Orders of 1639. With respect to Yehovah's אֱלֹהִים grace demonstrated by the Messianic advent of Yehoshua-יְהוֹשֻׁעַ:

Exodus 13:16 And it shall be for a token upon thine hand, and for frontlets between thine eyes: for by strength of hand Yehovah - אֱלֹהִים brought us forth out of Egypt.

Genesis 1:27 So Elohiym created man in his [own] image, in the image of Elohiym created he him; male and female created he them.

"...to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus which we now profess, as also, the discipline of the Churches..."

The 4<sup>th</sup> day of the 4<sup>th</sup> month, called June, 1639, all the free planters assembled together in a general meetinge, to consult about settling civil government according to GOD, and about the nomination of persons that may be found by consent of all fittest in all respects for the foundation work of a Church which was intended to be gathered in Quinipieck. After sollemne invocation of the name of GOD in prayer, for the presence and help of his spirit and grace in these weighty businesses, they were reminded of the business whereabout they met...

Quaere 1. Whether the Scriptures doe holde fourth a perfect rule for the direction and government of all men in all duteyes which they are to perform to GOD and men as well in the government of famyles and commonwealths as in matters of the Church?

This was assented to by all, no man dissenting, as well expressed by holding up of hands. Afterwards it was read over to them, that they might see in what wordes their vote was expressed: They againe expressed their consent thereto, by holding up their hands, no man dissenting.

Here quoted from the capital laws:

- 1) idolatry (Deut 13.6–17.2 – Exodus 22.20)
- 2) witchcraft (Exodus 22.18 – Leviticus 20.27 – Deut. 18.10,11)
- 3) blasphemy (Leviticus 24.15,16)
- 4) murder by violence (Exodus 21.12,13,14 – Numbers 35.30,31)
- 5) murder by guile (i.e. poisoning) (Exodus 21.14)
- 6) bestiality (Leviticus 20.15,16)
- 7) homosexuality (Leviticus 20.13)
- 8) adultery (Leviticus 20.10 and 18.20 – Deut. 22.23,24)
- 9) rape (Deut. 22.25)
- 10) kidnap (Exodus 21.16)
- 11) perjury (Deut. 19.16,18,19)
- 12) treason against the commonwealth
- 13) striking or cursing a parent (Exodus 21.17- Leviticus 20.9 – Exodus 21.15)
- 14) a parent shall turn in a criminal child (Deut. 21.20,21)
- 15) general discretionary power is retained by the general court to prosecute any other harmful behavior against individuals, family and community, church or commonwealth.

The federal as well as the state court will administer admiralty law and the district court acquires jurisdiction through Article III, Clause 2 of the Constitution of the United States of America and the subsequent Judiciary Act of September 24, 1789 and thus the federal question is established evoking Title 28 §1333. The common law of the state and the custodial responsibility of the district court is easily established:

**§61.** “When any Territory is admitted as a State, and a district court is established therein, all the records of the proceedings in the several cases pending in the highest court of said Territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had rendered in said territorial court before that time, and from which writs of error could have been sued out or appeals could have been taken and prosecuted to the Supreme Court or to the circuit court of appeals, shall be transferred to and deposited in the district court for the said States.” Process of admission of a State into the Union of several States is verified in § §61-64 of the act of March 3, 1911, ch. 231, 36 Stat. 1104.

This cause is simple remand into the asylum state where proper protection is provided by absolute confidence in the civil protection offered by contract commonly known by New Covenant.

"...Whether the law of the State shall be declared by its Legislature in a statute or by its highest court in a decision is not a matter of federal concern." *The Constitution of the United States of America*, Revised and Annotated – Analysis and Interpretation – 1982; Article III, §2, Cl. 1 *Diversity of Citizenship*, U.S. Government Printing Office document 99-16, p. 782 and as collateral to the 10<sup>th</sup> *Amendment and Erie Railroad Co. v. Tompkins* 304 U.S. 64 (1938).

The United States of America and the United States cannot possible condone the unlawful extradition of a man on the land into the corporate fiction without contract, accord, consent, or international treaty:

Establishment of a professional, impartial, and compulsory dispute-settlement mechanism is necessary to insure that the oceans will be governed by the rule of law rather than the rule of force... This [lack of mechanism] cannot but escalate into economic warfare, endanger the freedom of navigation, and ultimately lead to tests of strength and military confrontations.

America would not be true to itself, or to its moral heritage, if it accepted a world in which might makes right – where power alone decides the clash of interests. And from a practical standpoint, no one recognizes more clearly than American industry that investment, access, and profit can best be protected in an established and predictable environment. Secretary of State Henry Kissinger; *The Law of the Sea: A Test of International Cooperation*. Department of State Bulletin, Vol. LXXXIV, No. 1922, April 26, 1976 as continued proceedings of the seventh special session of the United Nations General Assembly in September of 1975 on global issues of economic development.

#### Cause of action

Henry Merritt PAULSON, Secretary of the Treasury has been remiss to disclose the remedy to the inherent presumption that people being "paid" are private reserve banks being paid in private credit notes from the Federal Reserve banks. This fraud by omission, the remedy to the Fed Act not being disclosed clearly has caused Michael Joseph to be handling and transacting business most of his life in false balances with attached usury. This counterclaim action is preemptive to assure no debt action in assumpsit will be active against Michael Joseph for the remainder of his life in order to live a more pleasing life to אֱלֹהִים - Yehovah in accord to doctrine like Proverbs 11:1 - *A false balance is an abomination to אֱלֹהִים - Yehovah, but a just weight is His delight*. The presumption Michael Joseph is a Fed bank and involved with private credit thereof is erroneous and based upon endorsements of private credit from the Federal Reserve that have never been made in good faith. Michael Joseph has been expressly demanding lawful money according to the remedy in the Fed Act **for over two years now**. The subjection to Special Drawing Rights (Paper Gold) is one thing but presuming endorsement of fractional lending practiced outside the scope of lawful money is unlawful and such presumption is defeated by law herein, *nunc pro tunc*. See Title 12 U.S.C. §411; Michael Joseph is and always would have exercised right to handle lawful money had the option ever been presented in good faith. The subject

presentments typically utilized for making a first lien Treasury claim are regular enough but Michael Joseph wishes to invoke judicial review "any other provision of law" and nullify any justification for any further such theft action - manifest in actual or threatened kidnap. The presentment(s) upon which past debt action in assumpsit - theft has been based are being and have been refused for cause timely (considering preparation of proper remedy) and the red ink original refusal for cause, in theory anyway, has been returned to Henry Merritt PAULSON in his copy of the counterclaim and summons. All other copies and the original counterclaim filed with the court have black ink (copy) refusals for cause on the presentment(s).

#### **Notice regarding address**

Due to sanctification of the confederacy, the corporate United States, Michael Joseph does not identify with residential address. Michael Joseph's address is "Michael Joseph". For convenience mail may be sent to Michael Joseph, c/o 6040-A Six Forks Road #325, Raleigh, North Carolina. [27609]. The supplemental rules for certain maritime and admiralty claims traditionally recognize parties as vessels and Michael Joseph is dedicated and flies the seal of אֱלֹהִים - Yehovah, Exodus 13:16, being first fruit unto Him and Him alone.

#### **Stipulation of acceptable answer**

The issue is simple. Agents of a foreign principal are required to file their complaint in the appropriate district court prior to exercising any claim against a man on the land. This is international and common law. Henry Merritt PAULSON and Ban Ki-Moon must directly address the validity of the (telephone) certificate of search that clearly shows there have been no claims filed against "Michael Joseph" or any pseudonym through which Michael Joseph may be engaged in contract. Years ago the court clerk James R. Manspeaker (District of Colorado now replaced by Gregory Langham) obfuscated remedy by denying proper certificates so Henry Merritt PAULSON, Ban Ki-Moon and anyone else for that matter can easily research case history against Michael Joseph or any legal name. Henry Merritt PAULSON or Ban Ki-Moon may call (919) 645-1700 to conduct searches and of course the Article III judge can research cases in chambers. It is however reasonable to say that if the Henry Merritt PAULSON or if the Ban Ki-Moon is moving on a valid claim and judgment in the district court then the Henry Merritt PAULSON or the Ban Ki-Moon knows what case that is.

The United States is not a party in interest to this action. Any registered attorney responding for Henry Merritt PAULSON or for Ban Ki-Moon cannot be a citizen of the United States due to the *de jure*

Thirteenth Amendment of the Constitution. A certified copy is attached and fully incorporated into this counterclaim. (The federal judge assigned this case is competent to adjudicate under Article III due to "inactive" status with the State Supreme Court attorney register.) Addressing the certificate of search is the only response that will be considered an answer to this counterclaim. Failure to answer will be met with default judgment for Michael Joseph according to the notice on the face of the summons.

#### **Stipulation of remedy**

The recourse sought is immediate exclusive original cognizance of the United States through the district court. This case is repository for evidence for injunctive relief from any future presentments and theft or kidnap actions from *any* foreign agents or principals. Though the theft/kidnap could be justified by notice and sophistry under the color of law of municipal structure, the proceedings have obviously been under the pretended authority of unconscionable contract and the recourse requested is proper. There is no excuse for the arbitrary and capricious attorney actions - **debt action in assumpsit** - that have confronted good men and women since the Banker's Holiday. Roosevelt implemented a "voluntary compliance" national debt (upon the States by Governor's Convention) but utilized the 1917 *Trading with the Enemy Act* to compel citizens of the United States to comply. The substitution of *citizen of the United States* for the German nationals on this land was against *Stoehr v. Wallace*, 255 U.S. 239 (1921) where the Court clearly expresses "The Trading with the Enemy Act, originally and as amended, is strictly a war measure..." - directly citing the Constitution Article I, §8, clause 11. The war on the Great Depression 1) does not count and 2) would only last the duration of the emergency if it did. Presentments will be treated as described by the following example of clerk instruction:

Michael Joseph  
c/o 6040-A Six Forks Road #325  
Raleigh, North Carolina.  
[27609]

United States District Court  
for the District of North Carolina  
310 New Bern Avenue  
Raleigh, North Carolina.  
[27601]

Registered mail # RA XXX XXX XXX US

Dear clerk;

Please file this refusal for cause in the case jacket of Article III case 03-XXXX. This is evidence if this presenter claims I have obligations to perform or makes false claims against me in the future. A copy of this instruction has been sent with the original refusal for cause back to the presenter in a timely fashion.

#### Certificate of Mailing

My signature below expresses that I have mailed a copy of the presentment, refused for cause with the original clerk instruction to the district court and the original presentment, refused for cause in red ink and a copy of this clerk instruction has been mailed registered mail as indicated back to the presenter within a few days of presentment.

example  
Michael Joseph

Presenter's name  
Address  
Anywhere, State.  
[presenter's code]

Registered mail # RA XXX XXX XXX US

Henry Merritt PAULSON, Ban Ki-Moon and all principals and agents are hereby properly notified. There is no governmental immunity to cover "law enforcement officers" who choose to interfere with our rights to the land and violators will be arrested by the U.S. Marshal according to Rule C of the *Supplemental Rules for Certain Admiralty and Maritime Claims*. Henry Merritt PAULSON and all principals and agents are left with their remedy:

**COURTS OF THE UNITED STATES** ... 136. When a seizure has been voluntarily abandoned, it loses its validity, and no jurisdiction attaches to any court, unless there be a new seizure. 10 Wheat. 325; 1 Mason, 361. *First Judiciary Act*, September 24, 1789. *Bouvier's Law Dictionary* 1856.

Upon offense by hostile presentment after the inevitable default by Henry Merritt PAULSON and Ban Ki-Moon (including all agents, principals and any and all offensive presentments), after fair notice by refusal for cause like the above clerk instruction a certificate of exigent circumstances will be issued pursuant to Rule C(3)(a)(ii)(B) *Arrest Warrant* and the clerk will immediately issue an arrest warrant for



Henry Merritt PAULSON, Ban Ki-Moon or named agent or principal to be taken into custody for the violations of law. Presentments of any kind from Henry Merritt PAULSON, Ban Ki-Moon or any agent acting for the bankruptcy of the United States through the District may be considered hostile threat of seizure.

#### **Stipulation regarding character and residential address**

The use of a residential address is by right. All 'privileges' associated with postal delivery are compensated, usually prepaid in honestly redeemed U.S. lawful money. Michael Joseph is not Pro Se and is not representing himself. The clerk shall not change the name of this suit on the docket from the name on the filing fee receipt. Michael Joseph retains the unalienable right to hold the district court clerk to the obligations to perform of file clerk for the United States working in the United States Courthouse. This includes the expectation that if and when this cause reaches default judgment against the Henry Merritt PAULSON, and the Ban Ki-Moon, the default judgment will be filed in full cognizance of the United States and will appear on the docket as "Default judgment for the plaintiff." Michael Joseph is authorized by fidelity bond to file default judgment in lieu of district court action. Any such judgment will stand on the truth for validity. Any character assassination will activate Instrumentality Rule and pierce the corporate veil of the United States and all agencies. Usage of residential address is non-assumpsit and changes Michael Joseph's character not in the least:

The privilege against self-incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his rights, nor to one indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. **It cannot be claimed by attorney or solicitor.** It is valid only when insisted upon by a belligerent claimant in person. Quote from federal judge Lee in *United States v. Johnson et al.* No. 11400, Middle District of Pennsylvania, 76 R. Supp. 538; 1947 U.S. Dist. LEXIS 3057, February 26, 1947. *emphasis added*

The highlighted bold sentence in the above quote admonishes against any clerk action that falsely brands Michael Joseph Pro Se - to imply that Michael Joseph is representing himself before the district court. Michael Joseph is responsible asylum state visiting his judiciary under Rule E(8). If an Article I (active attorney) "judge" is assigned this case or the Article III judge chooses to protect the fiduciary interests of the Bank and Fund, to act as an attorney under Article I, maintain silence. The cash filing fee is fully paid in public money and not in private credit (US notes in the form of Federal Reserve notes). The funds were redeemed lawful money according to the US Supreme Court's interpretation of the Congress' definition from *US v Rickman*; 638 F.2d 182

*In the exercise of that power Congress has declared that Federal Reserve Notes are legal tender and are redeemable in lawful money. And, US v Ware; 608 F.2d 400*

United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

Any presumptions made about the funds for this filing fee are that Michael Joseph has already exercised entitlement to redeem any Federal Reserve Bank notes tendered as legal tender for all debts public and private. Furthermore any and all funds discussed have been in redemption of Federal Reserve Bank notes, not endorsement thereof:

"BANKRUPTCY. The state or condition of a bankrupt.  
2. Bankrupt laws are an encroachment upon the common law. The first in England was ..."  
*Bouvier's Law Dictionary* 1856.

All testimony will be without immunity - **piercing the corporate veil and Instrumentality Rule.**

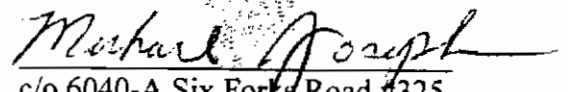
Michael Joseph is a man with א ת א א - Yehovah given unalienable rights, one living and regenerate entity of sound mind and body. For some realistic perspective the Credit River Money Decision is attached and fully incorporated into this counterclaim. Henry Merritt PAULSON and Ban Ki-Moon are clearly the debtor and Michael Joseph is clearly creditor.

#### **No magistrates**

No one may handle this case but an Article III judge. The nature of this cause is injunctive relief, albeit preemptive. Title 28 U.S.C. §636(b)(1)(A) cannot ensue, "...except a motion for injunctive relief..."

attachments fully incorporated:

- 1) Certificate of search on "Michael Joseph" from clerk of the district court is exempted due to falsifications by district court clerk James R. Manspeaker on such certificates. Henry Merritt PAULSON is provided with information to check for case histories
- 2) the presentment from Henry Merritt PAULSON and/or Ban Ki-Moon is refused for cause is hypothetical. Courts of competent jurisdiction instruct clerks and an example clerk instruction is enclosed
- 3) A certified copy of Title 12 U.S.C. §411 published at El Paso County Clerk and Recorder Reception #207015932
- 4) certified copy of the *de jure* Thirteenth Amendment to the Constitution published at El Paso County Clerk and Recorder Reception #95110459
- 5) certified copy of the Credit River Money Decision published at the El Paso County Clerk and Recorder Reception #203290555
- 6) a copy of the paycheck associated with the US court filing fee has been attached.

10.15.08  
  
c/o 6040-A Six Forks Road #325  
Raleigh, North Carolina. [27609]

## Addresses

United States District Court for the District of North Carolina 310 New Bern Avenue Raleigh, North Carolina. [27601]	(919) 645-1700
Michael Joseph c/o 6040-A Six Forks Road #325 Raleigh, North Carolina. [27609]	(919) 337-5413
Henry Merritt PAULSON 1500 Pennsylvania Avenue NW City of Washington, District of Columbia. [20220]	(202) 622-2000
Ban Ki-Moon 1 United Nations Plaza, Manhattan Island New York city, New York. [10017]	(212) 963-1234



North Carolina Department of Revenue

Michael F. Easley  
Governor

October 9, 2008

Reginald S. Hinton  
Secretary

Mr. Michael J. Dykes  
111 Gwinnett Place  
Cary, NC 27518-9444

SSN: xxx-xx-1173

Dear Mr. Dykes:

Department records do not indicate that we have received your North Carolina individual income tax return(s) for the year(s) 2006, 2007.


Your name, address, social security number and other information was obtained from the Internal Revenue Service pursuant to section 6103(b) of the Internal Revenue Code. If you are required to file, forms and instructions for filing may be obtained from any of our local offices or I will mail forms to you upon request.

If you have filed returns with the North Carolina Department of Revenue, please furnish a copy of the return(s) to me at the address indicated below. You may also respond by indicating the name, address, and social security number used on the return(s), if copies are not available.

It is recommended that you contact me by telephone or at the address below in order to discuss this matter. Please note that interest and certain penalties apply to delinquent tax owed the State of North Carolina. I will be glad to discuss these items with you. Please address all correspondence to my attention.

Please let me have your reply by November 13, 2008.

Sincerely,

  
Monte B. Sanders  
Revenue Field Auditor II  
Telephone 919-707-0814, Fax 919-850-2953

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Lichtenthaler and Whistler (1972).

41. Theorem 1.1.1. Let  $f: X \rightarrow Y$  be a function. Then  $f$  is injective if and only if  $f(x) = f(y) \implies x = y$ .

$$f(x) = \begin{cases} x^2 & \text{if } x \in \mathbb{Q} \\ 0 & \text{if } x \notin \mathbb{Q} \end{cases}$$
$$T_{\text{eff}} = T_0 \left( 1 + \frac{1}{2} \frac{v^2}{c^2} \right) \quad (1)$$

of the time.

Any Federal Reserve bank may make a loan to the local Federal Reserve bank for an amount of the Federal Reserve bank's assets (as provided for in the Federal Reserve Act) and may also make a loan to the local Federal Reserve bank for an amount of the local Federal Reserve bank's assets in an amount equal to the amount of the loan given to such local Federal Reserve bank, and may also make a loan to such local Federal Reserve bank for an amount of the local Federal Reserve bank's assets and may also make a loan to such local Federal Reserve bank for an amount of the local Federal Reserve bank's assets.

[illegible]

On the other hand, the amount of the loan is not subject to the provisions of the Internal Revenue Code, and the amount of the loan is not subject to the provisions of the Internal Revenue Code.

1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved.

Robert C. Ballitt  
Deputy



on the Note and Mortgage waived any right to complain about the Consideration and that Defendant was estopped from doing so.


At 12:15 PM on December 7, 1968 the Jury returned a unanimous verdict for the Defendant.

Now therefore, by virtue of the authority vested in me pursuant to the Declaration of Independence, the Northwest Ordinance of 1787, the Constitution of the United States and the Constitution and laws of the State of Minnesota not inconsistent therewith;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff is not entitled to recover the possession of Lot 19, Fairview Beach, Scott County, Minnesota according to the Plat thereof on file in the Register of Deeds office.
2. That because of failure of a lawful consideration the Note and Mortgage dated May 8, 1964 are null and void.
3. That the Sheriff's sale of the above described premises held on June 26, 1967 is null and void, of no effect.
4. That Plaintiff has no right, title or interest in said premises or lien thereon, as is above described.
5. That any provision in the Minnesota Constitution and any Minnesota Statute limiting the Jurisdiction of this Court is repugnant to the Constitution of the United States and to the Bill of Rights of the Minnesota Constitution and is null and void and that this Court has Jurisdiction to render complete Justice in this Cause.
6. That Defendant is awarded costs in the sum of \$75.00 and execution is hereby issued therefor.
7. A 10 day stay is granted.
8. The following memorandum and any supplemental memorandum made and filed by this Court in support of this Judgment is hereby made a part hereof by reference.

Dated December 9, 1968

BY THE COURT  
  
MARTIN V. HANCOCK  
JUSTICE OF THE PEACE  
CREDIT RIVER TOWNSHIP  
SCOTT COUNTY, MINNESOTA

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Page 2 of 2  
Produced by the  
Court Clerk

MEMORANDUM

The issues in this case were simple. There was no material dispute on the facts for the Jury to resolve.

Plaintiff admitted that it, in combination with the Federal Reserve Bank of Minneapolis, which are for all practical purposes, because of there interlocking activity and practices, and both being Banking Institutions Incorporated under the Laws of the United States, are in the law to be treated as one and the same Bank, did create the entire \$14,000.00 in money or credit upon its own books by bookkeeping entry. That this was the consideration used to support the Note dated May 8, 1964 and the Mortgage of the same date. The money and credit first came into existence when they created it. Mr. Morgan admitted that no United States Law or Statute existed which gave him the right to do this. A lawful consideration must exist and be tendered to support the Note. See *Andrusen-Busch Brewing Co. v. Emma Mason*, 44 Minn. 318, 46 N.W. 558. The Jury found there was no lawful consideration and I agree. Only God can create something of value out of nothing.

Even if Defendant could be charged with waiver or estoppel as a matter of Law this is no defense to the Plaintiff. The Law leaves wrongdoers where it finds them. See sections 50, 51 and 52 of Am Jur 2d "Actions" on page 584 - "no action will lie to recover on a claim based upon, or in any manner depending upon, a fraudulent, illegal, or immoral transaction or contract to which Plaintiff was a party.

Plaintiff's act of creating credit is not authorized by the Constitution and Laws of the United States, is unconstitutional and void, and is not a lawful consideration in the eyes of the Law to support any thing or upon which any lawful rights can be built.

Nothing in the Constitution of the United States limits the Jurisdiction of this Court, which is one of original Jurisdiction with right of trial by Jury guaranteed. This is a Common Law Action. Minnesota cannot limit or impair the power of this Court to render Complete Justice between the parties. Any provisions in the Constitution and Laws of Minnesota which attempt to do so ~~are~~ repugnant to the





Constitution of the United States and ~~for~~ void. No question as to the Jurisdiction of this Court was raised by either party at the trial. Both parties were given complete liberty to submit any and all facts and law to the Jury, at least in so far as they saw fit.

No complaint was made by Plaintiff that Plaintiff did not receive a fair trial. From the admissions made by Mr. Morgan the path of duty was made direct and clear for the Jury. Their Verdict could not reasonably have been otherwise. Justice was rendered completely and without denial, promptly and without delay, freely and without purchase, conformable to the laws in this Court on December 7, 1968.

December 9, 1968

b

THE COURT  
MARTIN J. VAHONEY  
JUSTICE OF THE PEACE  
CREDIT RIVER TOWNSHIP  
SCOTT COUNTY, MINNESOTA

Note: It has never been doubted that a Note given on a Consideration which is prohibited by law is void. It has been determined, independent of Acts of Congress, that sailing under the license of an enemy is illegal. The emission of Bills of Credit upon the books of these private Corporations, for the purposes of private gain is not warranted by the Constitution of the United States and is unlawful. See Craig v. Mo. 4 Peters Reports 912. This Court can tread only that path which is marked out by duty. M.V.M.

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Page 1 of 1  
Printed on 12/10/68  
City & County of Scott

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TERRITORY  
1861



STATE  
1876

DEPARTMENT OF PERSONNEL  
DIVISION OF  
**STATE ARCHIVES  
AND  
PUBLIC RECORDS**

15 AUG 1961  
11:14 AM  
Robert C. Basink  
[Signature]

*I Hereby Certify that the annexed copy  
(or each of the annexed copies) is a true  
copy of a record in the legal custody of  
the State Archivist of Colorado, and is  
filed among the records of*

COLORADO TERRITORY LEGISLATIVE ASSEMBLY, TERRITORY OF COLORADO  
Transmitted therein

GENERAL LAWS, JOINT RESOLUTIONS, MEMORIALS, AND PRIVATE ACTS, PASSED AT THE  
FIRST SESSION OF THE LEGISLATIVE ASSEMBLY, NEWER, COLORADO TERRITORY,  
SEPTEMBER 9, 1861.

TITLE PAGE, PAGES NO. 21, 2 (SIC), AND 25.  
TOTAL 5 PAGES.



*[Signature]*  
STATE ARCHIVIST OF COLORADO

10 FEB 11 1961

32x

GENERAL LAWS, JOINT RESOLUTIONS, MEMORIALS

LEGISLATIVE ASSEMBLY

TERRITORY OF COLORADO

THE CONSTITUTION OF THE UNITED STATES

ORGANIC ACT OF THE TERRITORY

ENACTED BY THE LEGISLATURE

1876

HARY  
BOOK  
DISTRICT

THE NATIONAL ASSOCIATION OF  
TERRITORIAL DISTRICTS

ARTICLE I  
The purpose of this Association shall be to promote the interests of the territorial districts of the United States and to foster a sense of unity and cooperation among them.

ARTICLE II  
The Association shall consist of all territorial districts of the United States which are members of the National Association of Territorial Districts.

ARTICLE III  
The Association shall have the right to elect officers and to hold annual meetings.

ARTICLE IV  
The Association shall have the right to adopt and amend its constitution and bylaws.

ARTICLE V  
The Association shall have the right to enter into contracts and to sue and be sued.

ARTICLE VI  
The Association shall have the right to acquire and hold real and personal property.

ARTICLE VII  
The Association shall have the right to make and alter its rules and regulations.

ARTICLE VIII  
The Association shall have the right to publish a journal or other periodical.

ARTICLE IX  
The Association shall have the right to receive and hold gifts and donations.

ARTICLE X  
The Association shall have the right to make and alter its name.

17-10A

#### ARTICLE I

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION 1

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

#### SECTION 2

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including all bound Persons for Term of Years or for Life, and Indians not taxed, three fifths of all other Persons.

#### SECTION 3

The Electors in each State shall have the Qualifications requisite for Electors in that State.

#### SECTION 4

The Powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the People.

#### SECTION 5

The Congress shall have Power to enforce by appropriate Legislation the Provisions of this Article, and all other Powers vested in this Government by the Constitution.

#### SECTION 6

The Congress shall have Power to lay and collect Taxes, Duties, Imports and Exports, and to regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes; to borrow Money on the Credit of the United States; to fix the Standard of Weights and Measures; to coin Money, to regulate the Value of Money, and to make Laws relating to the Coinage; to define and punish Offenses against the Law of Nations; to define and punish Offenses against the Law of the United States; to define and punish Offenses against the Law of the several States; to define and punish Offenses against the Law of the Indian Tribes; to declare War, to issue Letters of Marque and Reprisal, and to grant Letters of Consuetudine; to regulate the Army and Navy; to make Rules for the Government and Discipline of the Army and Navy; to make Laws for the Execution of the Powers vested in the Government by the Constitution.

[illegible][illegible]

Nothing is more common in the United States than to except, in making an agreement, the rights of non-White persons, and to do so without the consent of the person affected and without his present, personal, or future consent. It is a well-known fact that the Government of the United States has, in the past, made such promises to the colored people of the United States, and that the colored people of the United States have, in the past, made such promises to the white people of the United States. It is a well-known fact that the Government of the United States has, in the past, made such promises to the colored people of the United States, and that the colored people of the United States have, in the past, made such promises to the white people of the United States.



# True Copy Affidavit

I, Michael Joseph, do hereby ~~swear~~ or affirm that the attached is a true copy of  
Principal (document owner)  
check # 1589 (Exhibit A) and that this copy contains no alterations from  
description of document

the original; and, the following lawful money was received in this transaction per U.S.C. Title 12 § 411:

\$50 AA21454605A \$100 BB64938491A  
\$100 DC31270375A  
\$100 FF00031718A

Michael Joseph  
Principal's signature

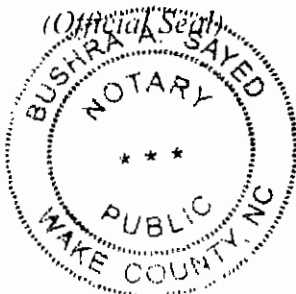
State of North Carolina  
County of Wake

Acknowledged  
Sworn to (or affirmed) and subscribed before me this day by Michael Joseph  
name(s) of principal(s)

I certify that:

- ☐ I have personal knowledge of the identity of the principal(s)
- ☒ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC Driver license.  
type of identification
- ☐ A credible witness, \_\_\_\_\_, has sworn or affirmed to me the  
name of credible witness  
identity of the principal, and that he or she is not a named party to the foregoing document, and has no interest in the transaction.

Date: October 9, 2008



Bushra A Sayed  
Notary Public

Bushra A Sayed  
Typed or Printed Notary Name

My commission expires: Oct. 25 2010



Exhibit A

PINNACLE DESIGN ENGINEERING, PA

1589

Date 10.9.08

66-19/530 NC  
418

Pay to the  
Order of

Michael J dykes

\$ 350.00

three hundred fifty and 00/100 ~~thousand~~

Dollars

Bank of America

ACH R/T 053000196

For

Pinnacle Design Engineering PA

By: Mr. Solely as President

⑆053000196⑆ 000693739801⑆1589

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Redeemed in lawful  
Money Per U.S.C. Title 12  
§ 411  
By: Michael Joseph aka Michael  
J. Dykes